

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

Actuarial Consulting Services, Inc.,

Movant,

vs.

BLUE CROSS AND BLUE SHIELD
ASSOCIATION, and THE KRAFT HEINZ
COMPANY,

Respondents.

8:24CV60

STIPULATED ORDER

On consideration of Movant Actuarial Consulting Services, Inc.'s ("ACS") February 14, 2024 motion to quash or modify the nonparty subpoena of Blue Cross Blue Shield Association ("BCBSA") ([Filing No. 1](#)):

IT IS ORDERED:

- 1) The parties' joint motion to enter the stipulated proposed order is granted. ([Filing No. 45](#)).
- 2) ACS shall produce the following documents by December 30, 2024:
 - a. All contracts that can be located on a reasonable search from the years 2015 to the present between ACS and Conagra Brands, Inc. ("Conagra") or Conagra's predecessors, successors, subsidiaries or affiliates;
 - b. The repricing analyses dated October 12, 2014 and November 10, 2014 that ACS performed for Conagra for the purpose of informing Conagra's 2016 strategy, including the data underlying the analysis;
 - c. All of Paul McCoy's notes and preparation materials for Conagra's annual and semi-annual meetings with Health Care Service Corporation (Blue Cross Blue Shield of Illinois) from 2021 to 2023; and
 - d. The Monthly Financial Accrual Tracking Exhibit Reports from 2015 to

the present and Dashboard Reports from 2019 to the present.

- 3) All production ordered by the preceding paragraph shall be made pursuant to and shall be governed by the Protective Order issued by the United States District Court for the Northern District of Alabama in the underlying litigation, which is filed in this docket at pages 20 through 58 of [Filing No. 2-4](#).
- 4) ACS reserves its right to seek from BCBSA and The Kraft Heinz Company its costs to comply with the subpoena under Federal Rule of Civil Procedure 45.
- 5) BCBSA reserves its rights to object to ACS's entitlement to costs under Rule 45, and to object to the propriety of awarding any specific costs sought by ACS.
- 6) Therefore, Movant ACS's motion ([Filing No. 1](#)) is GRANTED IN PART and DENIED IN PART.
- 7) ACS and BCBSA SHALL submit a joint report advising on the status of the case on or before January 10, 2025.

Dated this 6th day of December, 2024.

BY THE COURT:

s/ Ryan C. Carson
United States Magistrate Judge